

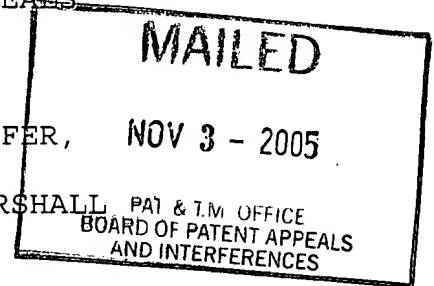
THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was **not** written for publication in a law journal and (2) is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TERRY MICHAEL BLEIZEFFER,
MARK DAVID GILMORE and
MARTIN JOSEPH CLAYTON PRESLER-MARSHALL



Application No. 09/877,157

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on September 29, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On January 31, 2005, appellants filed Appeal Brief under 37 CFR § 41.37. A review of the file reveals that the heading "Related proceedings appendix" is missing from the Appeal Brief according to § 41.37(c)(1)(x) which states:

An appendix containing copies of decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii)....

Appropriate correction is required.

Upon review of the Examiner's Answer mailed on May 3, 2005, the examiner failed to comply to the new rules effective September 13, 2004.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief of January 31, 2005 defective;
- 2) to notify applicants to file a supplemental Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to consider the supplemental Appeal Brief, vacate the Examiner's Answer mailed May 3, 2005, and issue a revised Examiner's Answer in accordance with the new rules effective September 13, 2004;
- 4) have a complete copy of the Supplemental Appeal Brief and any subsequent Examiner's Answer scanned into the record; and
- 5) for such further action as may be appropriate

BOARD OF PATENT APPEALS
AND INTERFERENCES

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